

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Allen F. Bell
1404 McMasters Drive
Myrtle Beach, South Carolina 29575

File Number 2004-121254

**Consent Order
Imposing Administrative Penalty and
Probationary Period**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Allen F. Bell, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact, that Allen Bell, while licensed to do business as a resident insurance producer within the State of South Carolina for Conseco Health Insurance Company, had misrepresented his professional history on his application for licensure with our Department. By failing to disclose criminal actions undertaken against him by the State of West Virginia, he fraudulently obtained his insurance producer's license. Mr. Bell acknowledges this, and understands these actions can ultimately lead to the revocation of his license to transact the business of Insurance as a producer in South Carolina, following a public hearing at the Administrative Law Judge Division.

Prior to the initiation of any administrative proceedings by the Department against him, Mr. Bell, through legal representation, and the Department, agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. Rather than to proceed toward a formal public hearing, the consensual recommendation was that Mr. Bell would waive his right to a public hearing, pay an administrative penalty through the Department in the amount of \$1,000.00 and be placed on one year Probation, in lieu of our Department seeking to revoke his licensing privileges.

Sections 38-45-140 and 38-43-130 of the South Carolina Code of Administrative Laws grant the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina's Insurance Laws. Similarly, § 38-43-130 also provides the Director of Insurance with the authority to revoke a producer's license "when it appears that a producer has provided incorrect, misleading, incomplete, or materially untrue information in the license application."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Mr. Allen Bell has violated S.C. Code Ann. § 38-43-130(C)(1),(3),(7) and (8)(Supp. 2003). As a result, I can now revoke his resident insurance producer's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2003), and after carefully considering the

recommendation of the parties, I hereby impose against Mr. Bell an administrative fine in the total amount of \$1,000.00 and place him on probation for one year. Mr. Bell must pay the fine within fifteen days of the date of my signature upon this Consent Order. If he does not timely pay the total fine amount, or is found to be in violation of any of our State's insurance laws within that the stipulated probationary period, his resident insurance producer's license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against him before and of Mr. Bell's assurances that in the future he will fully comply with the South Carolina's Insurance Laws. The parties expressly agree and understand that this resolution constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Allen Bell acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2003).

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2003).

It is, therefore, ordered that Allen Bell shall, within fifteen days of the date of my signature on this Consent Order, pay through the Department an administrative fine in the amount of \$1,000.00 and be placed under one year probation.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Allen's licensing file.

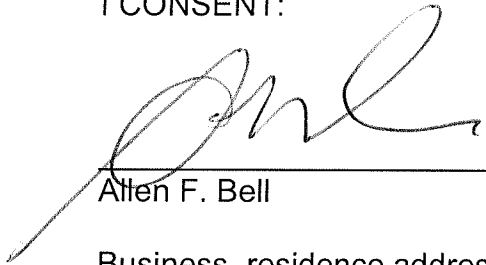
This order becomes effective as of the date of my signature below.



Gwendolyn Fuller McGriff
Deputy Director and General Counsel

November 9, 2004
Columbia, South Carolina

I CONSENT:



Allen F. Bell

Business, residence addresses and telephone numbers:

Dated this day of August, 2004.